

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

New York State Firearms Association, George
Borrello, David DiPietro, William Ortman, and
Aaron Dorr,

Plaintiffs,

-vs-

Steven A. Nigrelli, in his official capacity as Acting
Superintendent of the New York State Police,

Defendant.

**Declaration Opposing Plaintiffs'
Motion for a Temporary Restraining
Order and Preliminary Injunction**

Case No.: 23-cv-6524 (FPG)

Under 28 U.S.C. §1746, Michael W. Deyo declares:

1. I am Deputy Counsel for the New York State Police.
2. I make this declaration on personal knowledge and a review of the New York State Police's records. I am familiar with the facts and circumstances outlined below.
3. This Declaration is submitted in opposition to the Plaintiffs' motion for a temporary restraining order and preliminary injunction.
4. To the best of my knowledge, Former Acting Superintendent Steven A. Nigrelli was not properly served with the summons and complaint in this matter.
5. On September 15, 2023, an e-mail was sent on behalf of Plaintiffs' counsel to Former Acting Superintendent Nigrelli's secretary, attaching the Amended Complaint, the Motion for a Temporary Restraining Order and Preliminary Injunction, a Motion to Expedite, and a Motion to Appear Pro Hac Vice. No summons was attached to this e-mail.
6. I am unaware of any proof of service being filed with this Court, attesting to valid service of the summons or complaint.
7. On September 22, 2023, the Plaintiffs caused a copy of the Court's Decision and Order, dated September 21, 2023 (ECF #9), to be personally served upon Former Acting

Superintendent Nigrelli. No other papers were personally served upon Former Acting Superintendent Nigrelli at this time. *See* ECF #10, Affidavit of Service and ECF #11, Certificate of Service.

8. Former Acting Superintendent Nigrelli retired from the New York State Police, effective October 5, 2023.

9. Effective October 5, 2023, Dominick L. Chiumento is the Acting Superintendent of the New York State Police.

I declare under penalty of perjury that the foregoing is true and correct.

October 12, 2023


Michael W. Deyo